

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-MJ-02978-Torres

UNITED STATES OF AMERICA

v.

WINSTON BAKER,

Defendant.

FILED BY ER D.C.

May 15, 2024

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - Miami

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shanick M. Maynard)? No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No
4. Did this matter involve the participation of or consultation now Magistrate Judge Marty Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By:

/s/ Elizabeth Hannah

Elizabeth Hannah
Assistant United States Attorney
Court ID No. A5503171
99 Northeast 4th Street
Miami, FL 33132
(305) 961-9019
Elizabeth.Hannah@usdoj.gov

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America
v.

WINSTON BAKER,

Defendant(s)

Case No. 24-MJ-02978-Torres

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 14, 2024 in the county of Miami-Dade in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2252(a)(1)

Transporting Material Involving Sexual Exploitation of Minors

18 U.S.C. § 2252(a)(4)(B)

Possession of Child Pornography

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.



Complainant's signature **ID#S05453**

Kenny Silva, Special Agent, HSI

Printed name and title

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Telephone.

Date: **May 15, 2024**



Judge's signature

City and state: Miami, Florida

Honorable Edwin G. Torres, United States Chief Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kenny Silva, having been first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with Homeland Security Investigations (“HSI”) and have been so employed since 2005. I am currently assigned to the Child Exploitation Group at the HSI Miami Field Office and have served in this position since October 2023.

2. I am an “investigative or law enforcement officer” of the United States within the meaning of Title 18, United States Code, Section 2510(7). That is, I am an officer of the United States who is empowered by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18, United States Code, Sections 2422, 2423, 2251, and 2252.

3. I have participated in investigations involving people who collect and/or distribute child pornography, along with the importation and distribution of materials relating to the sexual exploitation of children. I have received training on the topic of child pornography and child exploitation, and, during the course of my duties, I have observed and reviewed examples of child pornography. I have also reviewed examples of materials relating to the sexual exploitation of children in all forms of media including computer media and have discussed and reviewed these materials with other law enforcement officers.

4. The information set forth in this Affidavit is provided in support of the attached criminal complaint charging **Winston BAKER (“BAKER”)** with violations of Title 18, United States Code, Section 2252(a)(4)(B), Possession of Child Pornography, and Title 18, United States Code, Section 2252(a)(1), Transporting Material Involving Sexual Exploitation of Minors. This Affidavit is intended only to establish probable cause that the offenses were committed. As such, it does not include each and every fact known to law enforcement about this investigation.

PROBABLE CAUSE

5. On May 14, 2024, **BAKER** entered the United States at Miami International Airport (MIA) via American Airlines Flight 1026 from Santo Domingo, Dominican Republic. Upon arriving at primary inspection, U.S. Customs and Border Protection (“CBP”) officers selected **BAKER** for secondary inspection.

6. At secondary inspection, CBP inspected **BAKER**’s personal property including a Motorola Moto G Stylus 5G mobile phone. **BAKER** told CBP that he owned the device and provided CBP with the passcode for the device. While in secondary inspection, a CBP officer placed the mobile phone on a desk.

7. At one point, **BAKER** grabbed the mobile phone from the desk and began manipulating the device. The CBP officer observed that **BAKER** had opened a photos folder and appeared to be deleting pictures. The CBP officer took the phone away from **BAKER**, asked him what he was doing, and asked if **BAKER** had child pornography on the device. **BAKER** responded in the affirmative, stating that he had over 200 images and 200 videos of child pornography. **BAKER** also stated that he could not go back to jail.

8. CBP subsequently conducted a manual inspection of the mobile phone pursuant to border search authority and discovered numerous images and videos of suspected child pornography depicting pre-pubescent children. Some images were discovered in the recently deleted folder. Other images and videos were discovered in the phone’s photo gallery.

9. HSI Special Agents previewed the files located on the mobile phone and observed the following videos depicting child pornography:

- a. A video file depicting an adult female performing oral sex on a toddler male.

- b. A video file depicting an unknown person performing oral sex on an infant female.
 - c. A video file depicting a naked adult male with his penis in the hands of a naked infant while thrusting back and forth.
 - d. A video file depicting a naked pre-pubescent female performing oral sex on an adult male.
 - e. A video file depicting an unknown male using his penis to anally penetrate a pre-pubescent female who is wearing a black harness and collar.
10. A review of **BAKER**'s criminal history revealed that in or around 2014, **BAKER** pleaded guilty in state court in New York for promoting a sexual performance by a child less than 17 years of age. As a result of this conviction, **BAKER** is a registered sex offender.

CONCLUSION

11. Based on the aforementioned information, I respectfully submit that there is probable cause to believe that on or about May 14, 2024, Winston **BAKER** did knowingly commit the offenses of possession of child pornography, in violation of Title 18, United States Code, Section 2252(a)(4)(B), and transporting material involving sexual exploitation of minors, in violation of Title 18, United States Code, Section 2252(a)(1).

FURTHER AFFIANT SAYETH NAUGHT.


KENNETH
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1
by Telephone this 15 day of May 2024.


HONORABLE EDWIN G. TORRES
UNITED STATES CHIEF MAGISTRATE JUDGE